

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

|                               |   |  |
|-------------------------------|---|--|
| LARUE GRAVES,                 | ) |  |
|                               | ) | Civil Action No. 14 – 1680             |
| Petitioner,                   | ) |  |
|                               | ) | Chief District Judge Joy Flowers Conti |
| v.                            | ) | Magistrate Judge Lisa Pupo Lenihan     |
|                               | ) |  |
| LARRY MAHALLY, Superintendent | ) |  |
| and THE ATTORNEY GENERAL OF   | ) |  |
| THE STATE OF PENNSYLVANIA,    | ) |  |
|                               | ) |  |
| Respondents.                  | ) |  |

**ORDER**

On December 12, 2014, Larue Graves (“Petitioner”) filed with this Court a Petition for Writ of Habeas Corpus challenging his October 18, 2006 judgment of sentence. In accordance with the Magistrate Judge’s Act, 28 U.S.C. § 636(b)(1), and Rules 72.C and 72.D of the Local Rules of Court, all pretrial matters were referred to United States Magistrate Judge Lisa Pupo Lenihan.

On May 20, 2016, Magistrate Judge Lenihan entered a Report and Recommendation wherein she recommended that the Petition be denied and that a Certificate of Appealability also be denied. Petitioner was served with the Magistrate Judge’s Report and Recommendation and informed that he had until June 6, 2016 to file written objections. As of today, no objections have been filed.

Therefore, upon an independent review of the record and consideration of the Magistrate Judge’s Report and Recommendation, the following Order is entered.

AND NOW this 28th day of June, 2016,

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus (ECF No. 1) is denied.

IT IS FURTHER ORDERED that a Certificate of Appealability is denied.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 16) is adopted as the Opinion of this Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case closed.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if any party wishes to appeal from this Order, a notice of appeal, as provided in Fed. R. App. P. 3, must be filed with the Clerk of Court, United States District Court, at 700 Grant Street, Room 3110, Pittsburgh, PA 15219, within thirty (30) days.

By the Court:

/s/ Joy Flowers Conti  
Joy Flowers Conti  
Chief United States District Judge

cc: Larue Graves  
MA-8295  
SCI Dallas  
1000 Follies Road  
Dallas, PA 18612-0286

Counsel for Respondent  
*Via CM/ECF Electronic Mail*